DAVID D. MCCANN, PRO-SE
FILING IN FORMA PAUPERIS
1130 Terrell Drive
Akron, Ohio 44313

IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
SUMMIT COUNTY, OHIO

Judith Kryah-McCann, 2092 Braewick Circle , Akron, Ohio 44313, Plaintiff, vs. David D. McCann, 1130 Terrell Drive, Akron, Ohio 44313, Defendant	Case No.: 2006-09-2972 CSEA ACCT NO. 2010-0426 POST-DECREE MOTIONS

Modification of the order

To include erasing arrearages
To modify the order effective immediately

Filed with the Summit County Common Please Court – In Forma Pauperis

Discussion:

Mr. McCann is not employed; Mr. McCann has no money; Mr. McCann does not have a vehicle; Mr. McCann's driver's license has been suspended; Mr. McCann is arrearage with Summit County Child Support Agency;

The Summit County CSEA is to follow the guidelines established under the 1975 Title IV-D of the Social Security Act.

The federal law gives latitude for the administration of the federal statute but, and significantly, states and localities have an obligation to administer the laws in a fashion that empathizes with the needs of the parents and the children.

To quote from the HHS Handbook:

The Federal Office of Child Support Enforcement (OCSE) is part of the U.S. Department of Health and Human Services. It helps states develop, manage, and operate their programs effectively and according to Federal law. OCSE pays the major share of state program operating costs, provides location services, policy guidance and technical help to enforcement agencies, conducts audits and educational programs, supports research, and shares ideas for program improvement.

There is information for non-custodial parents for proving financial and emotional support to your children about keeping in touch with them and keeping support orders **fair.**
(emphasis added)

Statements:

ORC 3119.06

The court, in its discretion and in appropriate circumstances, may issue a minimum child support order requiring the obligor to pay less than fifty dollars a month or not requiring the obligor to pay an amount for support

Page 57 *HANDBOOK ON CHILD SUPPORT ENFORCEMENT*

U.S. Department of Health and Human Services Administration for Children and Families Office of Child Support Enforcement

For parents who are willing but unable to pay, a number of states have started programs for teaching job skills or finding employment. States are looking at the benefits of ensuring that child support orders are set at a realistic amount. Many states work with these parents effectively to ensure that child support debt does not drive them away from their children.

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Child support orders should be fair: Child support orders that are set too high relative to low-income obligors' ability to pay contribute to child support arrears and, unfortunately, child support debt can drive a wedge between a parent and child.

A number of states' guideline formulas rely on a "self-support reserve" for the basic living expenses of a noncustodial parent before a child support obligation is determined. The self-support reserve in most states, if it is used at all, can be considerably below the Federal poverty level for one person.

Studies by the HHS Office of the Inspector General and others report on the large percentage of total arrears owed by low-income parents who may never have the resources to satisfy their debt. Preliminary outcomes have already reinforced beliefs that the most effective way to avoid arrears for low-income noncustodial parents is to make sure that they are a part of the order establishment process and that the process ends with a reasonable obligation.

Divorce agreement

At the present time Husband is not employed. Therefore, the parties agree that child support shall be held in abeyance until such time that Husband finds employment. Upon finding employment, the parties agree as to the amount of child support Husband will pay to Wife on a monthly basis. In the event the parties cannot agree, either party may partition the court for an order of child support.

United States Department of Health and Humans Services Poverty Guidelines[1]

[1] Person in Family –1- $10,830 http://aspe.hhs.gov/poverty/09poverty.shtml

A timeline of occurrences for the last four years is the best way to illustrate the circumstances surrounding this case.

February 2006	Filing complaints with the Ohio Civil Rights Commission against Summit County Executive political appointees Linda Sowa Phelps, Dawna "Jill" Hinig Skapin and Karen Margaret Doty JD
May 2006	By order of Summit County Executive James B. McCarthy Mr. McCann is put on unpaid leave for his failure to see a medical doctor whose specialty is psychiatry
June 2006	By order of Summit County Executive James B. McCarthy Mr. McCann is fired from his position with the county[2]
3 July 2006	Mr. McCann is informed by his wife of 23 years (in her words) **"I want out."**[3]
13 July 2006	Meeting with wife's divorce attorney[4]
5 August 2006	Signing of divorce papers which included the following statement Section V Child Support *At the present time Husband is not employed. Therefore, the parties agree that child support shall be held in abeyance until such time that Husband finds employment. Upon finding employment, the parties agree as to the amount of child support Husband will pay to Wife on a monthly basis. In the event the parties cannot agree, either party may partition the court for an order of child support.*
4 September 2006	Unbeknownst to husband - Wife files with the CSEA contrary to divorce document

[2] This runs contrary to a Kenneth Jones, CPA, Department of Insurance memorandum of 10 December 2007 *If you suggest EAP it is important to recognize that an employee's willingness or unwillingness to accept the EAP referral cannot be the basis for disciplinary action.* ***Employment decision should be performance based. (emphasis added)***

[3] During the period June-July 2006 Mr. McCann prepares for hearing with the Summit County Human Resource Commission and subpoenas over 70 witnesses to testify on his behalf – Lisa Okolish Miller JD Hearing Officer for the Summit County Human Resource Commission

[4] This would be a no fault divorce. On 31 May 1974 The Ohio General Assembly approved the No Fault Divorce Law. One of the "advantages" was to spare the children the agony of parental squabbling over who was at fault. At the time of my wife's asking for a divorce, sons were 14 and 11. Mr. McCann had no money for legal counsel to contest the divorce- and no reference was made by opposing counsel was made to his ability to file in forma pauperis.
On the other hand, Mrs. McCann had money for legal counsel. Mr. McCann signs document . Mrs. McCann's legal counselor was in clear violation of from ABA Code of Ethics …1.14; 1.7; 4.3.

Legal aid attorneys are not available for issues of divorce or child support

27 November 2006	Divorce signed by Domestic Relations Court Judge John Quinn[5]
February 2007	Unemployment hearing postponed – Mr. McCann cited by political appointees as "security risk"
13 March 2007	Begins part-time substitute teaching with the Akron Public Schools
April, 2007	Hearing in Columbus - Unemployment benefits denied by Deputy Hearing Officer Richard Skovron JD – Ohio Unemployment Compensation Review Commission
23 April 2008	Informed of CSEA Motion to Set Support
June 2008	Deputy Prosecuting Attorney asks whether we would both sit down to discuss this matter; Mrs. McCann refuses. Court assigns wage withholding requirements contrary to my income documentation submitted to the CSEA[6] Magistrate assign calculation based on minimum wage
November 2008	Akron Public School child support incident where a teacher in adjacent classroom tells *her* students of Mr. McCann's default on child support – students rush into *his* classroom echoing the teacher's comments thereby creating complete chaos in Mr. McCann's room [7]
January 2009	First driver's license revocation warning
March 2009	Informed by son of his wanting to go to dance program Son asks, "Dad can you help me?" This after it's determined funds are not available for his six week participation Forego teaching at Kent State University Upward Bound Program to serve as unpaid resident advisor for this dance program
June, 2009	Last paycheck from Akron Public Schools for $37.22.

[5] Annulment by the Catholic Church granted in January 2009 – Mrs. McCann did not participate.
A notation of a religious discernment activity may be considered "inappropriate"; however, and in light of the inclusion of religious affiliation and participation in religious organizations featured on the web page of a sitting member of the Common Pleas Court – Domestic Division, such a reference to a Catholic annulment process should be considered appropriate.

[6] *The ORC provides the flexibility for members of the judiciary in calculation*
However, Court order provided for wage assignment based upon "age, health, and education" (?)

[7] An incident report was filed with the Akron Public Schools 21 November 2008 citing the *State of Ohio Licensure Code of Professional Conduct for Ohio Educators*
Thursday 12 April 2010 when Mrs. McCann is asked "Do you tell the children when you receive child support payments?" To which she responds "Why should I want to do that?" but shows a willingness to share information with other individuals (See 21 November 2008 Akron Public School incident)

June – August 2009	Unpaid resident advisor Point Park University Pittsburgh, Pennsylvania
September 2009	Automobile does not run - no money for repairs Meeting with CSEA regarding June-August 2009 activities Request for review – Provided June 2009 paystub of $37.22 from Akron Public Schools; no change to Child Support order[8]
December 2009	Request for documents under ORC 3125.16 Denial of documents by Caseworker – no case notes – phone mail message from caseworker denying access to case notes

Overview:

September 2006 – CSEA accepts application notwithstanding and begins investigation notwithstanding what is featured in *"divorce agreement"*.

April, 2008 Hearing notification

June, 2008 Hearing

August 2008 Magistrate Ruling

January 2009 Warning of driver's license suspension

February 2009	IRS refund to CSEA
June 2009	Last Pay Check for $37.22

August 2009

Meeting with CSEA regarding June-August 2009 activities
Request for review – Provided June 2009 pay stub of $37.22 from Akron Public Schools No change to Child Support Order
Case worker alerted to my participation for son's dance program
Request for reconsideration of order
"Former wife will need to let us know in writing" (no case notes regarding this conversation)
Automobile does not run - no money for repairs

December, 2009
Request for reviewing records denied under guidelines of 3125.16 Reviewing Records
Asking for a citation of those records denied under what federal and state statues
Denied access to records

February 2010	IRS refund to CSEA

10 March 2010

[8] Poverty Guidelines for one – United States Department of Health and Human Services

Meeting with case worker; referred to legal counsel

Request for CSEA Review **No Response**
Request for State Hearing **No Response**

10 March 2010 Second Request for Case notes
Information Received
from 14 December 2006 to 1 March 2010 ***Received 9 April 2010***

10 March 2010 Driver's license suspended ***then*** Driver's license reinstated

10 March 2010 Attachment of checking account proceeds $145.70

April, 2010 Driver's License suspended

12 April 2010 Meeting with John Galonski, JD regarding driver's license suspension

Income Statements

2007	Income $6140	
2008	Income $9554	IRS Refund to CSEA $256
2009	Income $5820	IRS Refund to CSEA $325

Citations:

ORC 3119.06

1975 Title IV-D of the Social Security Act.

ABA Code of Ethics …1.14; 1.7; 4.3.

Handbook On Child Support Enforcement
U.S. Department of Health and Human Services
Administration for Children and Families Office of Child Support Enforcement
http://www.acf.hhs.gov/programs/cse/pubs/2005/handbook_on_cse.pdf

United States Department of Health and Human Services – Poverty
Person in Family –1- $10,830
http://aspe.hhs.gov/poverty/09poverty.shtml

Licensure Code of Professional Conduct for Ohio Educators
http://esb.ode.state.oh.us/PDF/2008_LCPCOE_3_11_08_final.doc

http://www.drcourt.org/

Names :

Office of the Prosecutor- CSEA

Lisa Vitale, JD
Theresa Atkinson
Cheryl Hall

Summit County Common Please Court – Domestic Relations Division

The Honorable John Quinn
Magistrate Tracey Stoner

Office of the Summit County Executive

James B. McCarthy
Karen Margaret Doty, JD
Lisa Okolish-Miller, JD
Linda Sowa Phelps
Dawna "Jill" Hinig-Skapin
Kenneth Jones, CPA

Akron Public Schools

Patti Tschantz

Dated this 29th day of April, 2010

David D. McCann, Pro-Se
Filing in Forma Pauperis
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Akron, Ohio 44313

Certificate of Service

A copy of this motion was sent on this 29th day of April 2010
by United States Postal Service First Class Mail (Certificate of Mailing
(USPS Form –PS 3817)) to the following:

Judith McCann 2092 Braewick Circle Akron Ohio 44313

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